

Article IX. SPI-PD: Preservation District.

Sec. 17.3-53. Purpose and Intent.

The purpose of this article is the preservation of Hampton's cultural and architectural past through the protection of individual sites and areas that reflect this significant heritage. The following regulations are intended to serve this purpose by protecting against the destruction of or encroachment upon such areas, encouraging uses that lead to the area's economic continuance while maintaining the character to be preserved, preventing the creation of adverse environmental influence and protecting property values in the area.

It is intended that the Preservation District shall act as an overlay, augmenting rather than replacing the underlying zoning.

Sec. 17.3-54. Boundaries and Definitions.

The Preservation District shall apply to all properties designated on the zoning map with the symbol SPI-PD.

For the purpose of these preservation regulations, the following terms are specifically defined:

- (1) Alteration - any act or process that changes one or more of the exterior architectural features of a building or structure.
- (2) Certificate of Appropriateness - a certificate from the review board authorizing plans for alteration, construction, removal, or demolition of any improvement to property within the boundaries of the SPI-PD.
- (3) Demolition - any act or process that destroys, in whole or in part, a building, structure or object.
- (4) Design Guidelines - the set of appropriate activities, adopted by the review board, that will preserve the historic and architectural character of the property within the boundaries of the SPI-PD.
- (5) Preservation District - area containing buildings or places in which events occurred or having special public value, because of notable architectural or other features relating to the

cultural or artistic heritage of the community, or of such significance as to warrant conservation, preservation, and inclusion in the SPI-PD.

- (6) Review Board - the Preservation Review Board, as established by this article.

Sec. 17.3-55. Creation of Preservation Review Board.

- (1) City Council shall appoint a review board for each district consisting of five (5) persons with interest, competence or knowledge of preservation, and the following qualifications: one (1) professionally licensed architect; one (1) member of the Planning Commission; with the remaining members to be residents or business operators in the district.
- (2) The term of office is three (3) years; provided, however, that of the original members two (2) are appointed for three (3) years; two (2) are appointed for two (2) years; and one (1) is appointed for one (1) year. Members can serve no more than two (2) full consecutive terms. Vacancies shall be filled within sixty (60) days.
- (3) The review board shall elect a chairman and other officers as necessary annually, and shall meet on a regularly scheduled basis, not to be less often than every sixty (60) days. A quorum of three (3) members shall be necessary for any decision of the review board, although a lesser number may conduct public meetings, provided no binding action is taken. Decisions of the review board require a majority vote of those members present. All meetings and records of the review board shall be public.
- (4) The Planning Department shall provide technical assistance to the review board.

Sec. 17.3-56. Duties and Powers of the Preservation Review Board.

- (1) The review board shall prepare design guidelines to be applied to both land and buildings in the SPI-PD.
 - (a) Guidelines shall be in written form,

available to all property owners in the preservation district, and adopted only after a duly advertised public hearing.

- (b) The review board shall review the guidelines annually at a public hearing and may make changes necessary to fulfill the purpose of this article.
- (2) The review board shall have authority over all plans for new construction, alteration, removal, or demolition of improvements to properties in the SPI-PD.
 - (a) Applicants for building, demolition or sign permits, and those property owners undertaking exterior maintenance within a preservation district shall first apply to the review board for a Certificate of Appropriateness. Applications for Certificates of Appropriateness shall be accompanied by plans and specifications of those improvements or alterations that are subject to public view. The review board, where it deems it necessary in order to properly review an application, may require the submission of any of the following: architectural plans, site plans, landscaping plans, plans for off-street parking, proposed signs, elevations of those portions of the structure facing public streets, elevation photographs or perspectives that include adjoining properties, or color schemes.
 - (b) The review board shall notify all contiguous property owners of the application and the scheduled public hearing. The review board shall hold a public hearing on the application within sixty (60) days of receiving a complete application. If no action is taken by the review board within ninety (90) days of the completed application date and the applicant does not agree to an extension, the application for Certificate of Appropriateness shall be considered approved. The Certificate of Appropriateness will be issued eleven (11) days after the review board's approval.
 - (c) The applicant or any property owners within

the district can appeal the decision of the review board to the City Council. Such appeal must be filed with the Clerk of Council within ten (10) days of the review board's decision. Filing an appeal stays the review board's decision, except for cases where demolition of an improvement has been denied. City Council shall have thirty (30) days from the filing of such appeal to take action. No decision within thirty (30) days shall constitute upholding the review board's decision.

- (d) The applicant or any property owners within the district can appeal the decision of the City Council to the Circuit Court. Such appeal must be filed within thirty (30) days of the City Council decision. Filing an appeal stays the City Council's decision except for cases where demolition of an improvement has been denied.
 - (e) The review board has the authority to administratively issue a Certificate of Appropriateness without public hearing in those cases where the alteration is identified in the district guidelines as an administrative item, such as basic maintenance, and does not, in any manner, deviate from the approved design guidelines.
- (3) The review board shall consider the following in its review of applications for Certificates of Appropriateness:
- (a) the historical or architectural significance of the property and its relationship to the entire preservation district;
 - (b) the appropriateness of the existing features to the preservation district;
 - (c) the appropriateness of the proposed alterations to the preservation district; and
 - (d) the effect of the alterations on the general design of the existing improvements to the property.
- (4) The review board shall not consider any interior

improvements or changes to the building or structure in its review process.

- (5) The review board reserves the right to issue a Certificate of Appropriateness in those cases where the alteration, demolition, removal, or construction of the improvements is not in accord with the design guidelines, but where the alteration, demolition, removal, or construction will not negatively affect the value or importance of other properties in the preservation district, and denial of the Certificate will cause a clearly demonstrable hardship rather than a deprivation of economic privilege or convenience.
- (6) The review board shall have the responsibility of investigating and delineating individual properties and areas having historical interest and value which should be preserved and protected according to the purpose of this article. The review board shall bring these properties to the attention of the City Council for possible inclusion in the SPI-PD.

Sec. 17.3-57. Application of Certain Provision of Zoning Ordinance and Building Code within SPI-PD.

- (1) The height and area regulations, off-street parking and loading regulations and provisions relating to the location and number of main buildings, and the number and use of accessory buildings shall not apply to properties in a preservation district when it is demonstrated by competent evidence to the review board that it is necessary to deviate from such regulations and provisions in order to accomplish the purpose set out in this article.
- (2) Any demolition required by the City Building Official for the health and safety of the community supercedes the review board process and does not require a Certificate of Appropriateness.

Sec. 17.3-58. Demolition of Improvements to Properties Located Within SPI-PD.

Demolition of any improvement to property within a preservation district shall be a matter of right for the owner of such property when:

- (1) the owner has applied for permission to demolish from the review board; and
- (2) such permission is granted; or
- (3) such permission is denied; and
- (4) the owner has put the property on the market within one (1) year of the final decision to deny demolition, at a price reasonably related to its fair market value, for the required time period as set out below:
 - (a) offering price less than twenty five thousand dollars (\$25,000) - three (3) months;
 - (b) offering price greater than twenty five thousand dollars (\$25,000) but less than forty thousand dollars (\$40,000) - four (4) months;
 - (c) offering price greater than forty thousand dollars (\$40,000) but less than fifty five thousand dollars (\$55,000) - five (5) months;
 - (d) offering price greater than fifty five thousand dollars (\$55,000) but less than seventy five thousand dollars (\$75,000) - six (6) months;
 - (e) offering price greater than seventy five thousand dollars (\$75,000) but less than ninety thousand dollars (\$90,000) - seven (7) months;
 - (f) offering price greater than ninety thousand dollars (\$90,000) - twelve (12) months; and
- (5) no bona fide contract with any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, willing to preserve and restore the structure, has been executed within the required time period.

Sec. 17.3-59. Application Fee.

The sum of twenty five dollars (\$25.00), payable to the City of Hampton, shall accompany applications for Certificates of Appropriateness, to be applied to the cost

of advertising. The fee shall be waived if the Certificate is administratively approved.